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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,529	06/29/2001	Peter L. Doyle	42390P11480	8180
7590	09/22/2004			
Thomas S. Ferrill BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			EXAMINER SINGH, DALIP K	
			ART UNIT 2676	PAPER NUMBER

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,529

Applicant(s)

DOYLE ET AL.

Examiner

Dalip K Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 23-34 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☒ Claim(s) 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to applicant's amendment dated January 30, 2004 in response to PTO Office Action dated October 27, 2003. The amendments to claim(s) 1, 18, 19, 23, 28, 29, 30 and 32; the deletion of claim(s) 9 and 25 and the addition of claim(s) 33 and 34 have been noted and entered in the record, and applicant's remarks have been carefully considered resulting in the action as set forth herein below.
2. Applicant's argument filed January 30, 2004 have been fully considered resulting in the office action as detailed below. With respect to applicant's argument regarding claim 19, Flurry et al. discloses a graphics-rendering engine (X Server program module 14, Fig. 1...as a display resource manager...col. 4, lines 14-44) to concurrently render two or more independent images for display on multiple display devices (...this invention is designed to function with several display devices connected to it...col. 5, lines 25-30) and a time allocator (rendering context manager (RCM) 22, Fig. 1) (...initially, Client B 18 and Client C 20,...access the X Server 14 in order to have display device resources...allocated to them...these accesses are performed in a manner that allows the client B 18 and Client C 20 to exist independently of each other...col. 4, lines 14-44...the rendering context manager (RCM) 22 is to ensure that as it permits each applications program to access the display device, it also places on the display device the proper rendering context, or environment , for that applications program...col. 5, lines 6-25 ) to arbitrate the use of the graphics-rendering engine between the two or more independent images with the Client B 18 and Client C 20 modules being able to display information.

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Flurry therefore does indeed **disclose** arbitrating the use the of graphics engine between two or more clients.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim(s) 19 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,455,958 to Flurry et al.

a. Regarding claim 19, Flurry et al. discloses a graphics-rendering engine (X Server program module 14, Fig. 1...as a display resource manager...col. 4, lines 14-44) to concurrently render two or more independent images for display on multiple display devices (...this invention is designed to function with several display devices connected to it...col. 5, lines 25-30) and a time allocator (rendering context manager (RCM) 22, Fig. 1) (...initially, Client B 18 and Client C 20,...access the X Server 14 in order to have display device resources...allocated to them...these accesses are performed in a manner that allows the client B 18 and Client C 20 to exist independently of each other...col. 4, lines 14-44...the rendering context manager (RCM) 22 is to ensure that as it permits each applications program to access the display device, it also places on the display device the proper rendering context, or environment , for that applications program...col. 5, lines 6-25 ) to arbitrate the use of the graphics-rendering engine

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between the two or more independent images with the Client B 18 and Client C 20 modules being able to display information.

***Allowable Subject Matter***

5. Claims 1-8, 10-18, 23, 24 and 26-34 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: Prior art does not disclose or render obvious wherein the time allocator comprises a first circuit to permit a graphics device instruction from a graphics application to direct the graphics-rendering engine to process instructions associated with a second independent image while waiting for an asynchronous event to occur for a first independent image as per independent claim 1; allocation of time use of the graphics-rendering engine between each independent image; permitting, via a software instruction from a graphics application, the processing of instructions associated with a second image while waiting for an asynchronous event to occur to a first image as per independent claim 23; a first track circuit to track the period of elapsed time that a particular register uses the graphics-rendering engine; and a second circuit to convert the programmable elapsed period of time into an equivalent number of clock cycles as per independent claim 30; a first circuit implementing a software instruction, the software instruction to yield time allotted for instructions associated with a first independent image to use the graphics-rendering engine over to instructions associated with a second independent image as per independent claim 33; instruction transports that comprise an instruction memory area, a first register to define a start and an end to the instruction memory area and a memory access engine to fetch and deliver the instructions from the instruction memory area to the graphics-rendering engine as per

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independent claim 34. Flurry reference (U.S. Patent No. 5,455,958) discloses a graphics rendering engine with a time allocator but does not render obvious the processing of instructions associated with a second independent image while waiting for an asynchronous event to occur for a first independent image; the conversion of the programmable elapsed period of time into an equivalent number of clock cycles.

Dependent claims 2-8 and 10-18 from independent claim 1; dependent claims 24, 26-29 from independent claim 23; dependent claims 31 and 32 from independent claim 30 include similar matter allowable.

7. Claim 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

8. Applicant's arguments are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dalip K. Singh** whose telephone number is **(703) 305-3895**. The examiner can normally be reached on Mon-Thu (8:00AM-6:30PM) Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matthew Bella**, can be reached at **(703) 308-6829**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to: (703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office at telephone number : (703)-306-0377.

dks

September 19, 2004



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600